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Counsel for Defendant MALDONADO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

MARK MALDONADO,
JENNIFER SEARS,

Defendant.

No. CR 08-00720 SBA

**STIPULATION AND ORDER
CONTINUING STATUS DATE AND
EXCLUSION OF TIME**

IT IS HEREBY STIPULATED, by and between the parties to this action, that the status date in this case, currently scheduled for Tuesday, February 24, 2009, at 11:00 a.m., may be continued to Tuesday, March 24, 2009, at 11:00 a.m. for status. The reason for the continuance is that counsel's understanding is that Mark Maldonado has retained counsel Lynda Westlund to replace the federal public defender's office. Ms. Westlund's office is located in Central California and she is not available on February 24, 2009. In addition, she would like time to obtain the discovery, which is subject to a protective order, and review it with Mr. Maldonado prior to making

1 a court appearance. Should the Court continue the matter to March 24, 2009, it should allow enough
 2 time for new counsel to receive the discovery and review it with her client and to be available for the
 3 Court appearance. Counsel has talked to co-counsel David Billingsley and he has no objection to
 4 continuing the case on behalf of co-defendant Jennifer Sears as well, for continuity of counsel and
 5 effective preparation of counsel.
 6

7 The parties further stipulate that the time from February 24, 2009 to March 24, 2009, should be
 8 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and
 9 (B)(iv) for adequate preparation of counsel and continuity of counsel to allow new counsel time to
 10 obtain and review the discovery with Mr. Maldonado and be available for the status date on March
 11 24, 2009 at 11:00 a.m. The matter is set for 11:00 a.m. so that Ms. Westlund can appear with Mr.
 12 Maldonado before Judge Brazil at 10:00 a.m. on the same day for identification of counsel.
 13

14 DATED: February 10, 2009

_____/s/
 JOYCE LEAVITT
 Assistant Federal Public Defender
 Attorney for Mark Maldonado

17 DATED: February 10, 2009

_____/s/
 DAVID BILLINGSLEY
 Attorney for Jennifer Sears

20 DATED: February 10, 2009

_____/s/
 CHRISTINE WONG
 Assistant United States Attorney

23 I hereby attest that I have on file all holographed signatures for any signatures indicated by a
 24 conformed signature “/s/” within this e-filed document.
 25
 26


ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status date in this case, currently scheduled for Tuesday, February 24, 2009 at 11:00 a.m., is hereby continued to Tuesday, March 24, 2009, at 11:00 a.m. for status.

IT IS FURTHER ORDERED that the time from February 24, 2009, to March 24, 2009, is hereby excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel to allow new counsel to obtain the discovery, which is subject to a protective order, and review it with Mr. Maldonado and for continuity of counsel to allow retained counsel to travel from Central California and be present for the hearing. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial and the failure to grant the requested continuance would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account due diligence.

SO ORDERED.

DATED:2/11/09


HON. SAUNDRA BROWN ARMSTRONG
United States District Judge